

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 9-13, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-9	EX	76289638	ER Marks, Inc.	Seeherman Hairston Chapman*	2(d)	Refusal Affirmed		"Q CARD" (and design) [credit card services]	"Q-CARD" (and design) [credit card services]	Keam	No
8-9	OPP (SJ)	91156843	Jean Alexander Cosmetics, Inc. v. L'Oreal USA Creative, Inc.	Hanak Rogers Drost [Opinion "By the Board" (Dunn)]	issue preclusion [as to absence of likelihood of confusion under Sec. 2(d)]	Opposition Dismissed (Applicant's motion for summary judgment granted)	"EQ SYSTEM" (and design) [hair care preparations, namely, shampoo, conditioner, styling lotion, permanent wave, hair dressing]	"SHADES EQ" (and design) [hair care products, namely, shampoos and hair color which are sold to and by professional hair dressers, stylists, and salons; swatch rings containing sample hair pieces of various colors]			No
8-10	EX	78134624	Ziptronix, Inc.	Hohein* Chapman Holtzman	2(e)(1)	Refusal Affirmed in all three classes		"ZIP CHIP" [ <i>in Class 9</i> : integrated circuits; <i>in Class 40</i> : custom manufacture of integrated circuits for others; <i>in Class 42</i> : custom design of integrated circuits for others]		Lavine	No
8-11	OPP	91151290	Crème Glacee Ital Gelati Inc. v. Italgel Inc.	Hairston Holtzman* Drost	2(d)	Opposition Dismissed	"ITAL GELATI" [frozen confectionery products]	"ITALGEL GELATO SYSTEMS INCORPORATED" (and design) [electric ice cream makers for restaurant use and refrigerated display cases for ice cream and pastries]			No

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(2) \*=Opinion Writer; (D)=Dissenting Panel Member

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**August 9-13, 2004 (continued)**

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8-11	OPP OPP	91120166 91120978	Baseball America, Inc. v. Powerplay Sports, Ltd.	Sams Bottorff* Rogers	2(d)	Opposition Sustained in both cases	"BASEBALL AMERICA" (in stylized lettering) [newspapers, books and calendars relating to baseball, principally items concerning minor league and college baseball; posters; conducting courses, seminars, conferences and workshops in the field of baseball history]	"BASEBALL AMERICANA" [posters]; "BASEBALL AMERICANA" [educational services, namely, conducting courses, seminars, conferences, and workshops in the field of baseball history and trivia, and photography; organizing baseball exhibitions for stadiums, museums, theme parks, libraries and other public venues; providing facilities for educational, entertainment, sporting and cultural activities in the form of a baseball hall of fame and museum]			Yes
8-12	EX	75851765	Dell Inc.	Seeherman* Walters Chapman	whether applicant's specimens show trademark use of its mark (as displays associated with the goods)	Refusal Reversed		"QUIETCASE" [computer hardware; internal cases for computer hardware being parts of computer work stations]		Verhosek	Yes

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